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and BLIZZARD ENTERTAINMENT, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERIK ESTAVILLO,

Plaintiff,

v.

ACTIVISION BLIZZARD, INC.,

Defendant.

CASE NO. 5:19-cv-05540-NC

Assigned To: Hon. Nathanael Cousins
Department: 5

**SUPPLEMENTAL DECLARATION OF
MATTHEW G. ARDOIN IN SUPPORT
OF REPLY**

*[Reply in Support of Defendant's Motion to
Dismiss filed concurrently herewith]*

Date: October 23, 2019
Time: 1:00 p.m.
Courtroom: 5

Action Filed: August 2, 2019
Trial Date: None Set

**SUPPLEMENTAL DECLARATION OF MATTHEW G. ARDOIN
INDEX**

Exhibit	Description
23	A More Legible Screenshot Of The Image On Page 8 Of Plaintiff's Opposition

SUPPLEMENTAL DECLARATION OF MATTHEW G. ARDOIN

I, Matthew G. Ardoin, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am an associate with the law firm of Schilling Law Group, PC, counsel for Defendants Activision Blizzard, Inc. and Blizzard Entertainment, Inc. (“Blizzard”) in the above-referenced matter. I have personal knowledge of the facts set forth within this Declaration and if called upon as a witness, could and would competently testify thereto.

2. I make this Declaration in support of Blizzard’s Reply in Support of Motion to Dismiss Plaintiff Erik Estavillo’s (“Plaintiff”) Complaint.

3. On page 8 of his Opposition, Plaintiff includes a grainy image of a screenshot from Blizzard’s digital store where players can purchase “loot boxes.” Plaintiff incorrectly claims that the image shows there are “no refund explanations whatsoever.” Yet, the image shows that when a player purchases loot boxes from Blizzard’s digital store, the player is presented with the Terms of Sale. Attached hereto as **Exhibit 23** is a true and correct copy of a more legible screenshot of the image on page 8 of Plaintiff’s Opposition. Before purchasing a “loot box,” a player is presented with the following statement: “By clicking ‘Pay Now,’ you agree to the Terms of Sale and Privacy Policy.” The Terms of Sale is hyperlinked and can be reviewed by players purchasing “loot boxes” before finalizing their purchase.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 30, 2019, in Newport Beach, California, U.S.A.

/s/ Mathew G. Ardoin
Matthew G. Ardoin

Exhibit 23

PAY WITH

Please select a payment option...

By clicking "Pay Now," you agree to the [Terms of Sale](#) and [Privacy Policy](#).

Pay Now

Cancel



YOU ARE PURCHASING
Overwatch®: 2 Loot Boxes

TOTAL
\$1.99

WE ACCEPT



PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to this action. My business address is SCHILLING LAW GROUP, PC 1100 Newport Center Drive, Suite 250, Newport Beach, CA 92660. My email address is *shamika.polin@schillinglawgroup.com*.

On **September 30, 2019**, I served the following document(s) described as:

**SUPPLEMENTAL DECLARATION OF MATTHEW G. ARDOIN IN
SUPPORT OF REPLY**

by serving a true copy of the above-described document in the following manner:

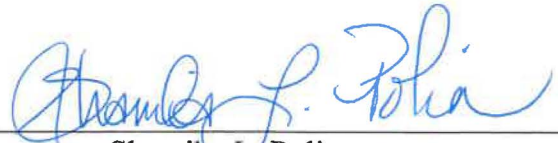
BY OVERNIGHT MAIL DELIVERY

I am familiar with the office practice of Schilling Law Group, PC for collecting and processing documents for overnight mail delivery by Express Mail or other express service carrier. Under that practice, such documents are delivered for overnight mail delivery by Express Mail or other express service carrier on that same day in the ordinary course of business, with delivery fees thereon fully prepaid and/or provided for. I mailed a sealed envelope or package containing the above-described document(s) and addressed as set forth below in accordance with the office practice of Schilling Law Group, PC for collecting and processing documents for overnight mail delivery by Express Mail or other express service carrier:

Erik Estavillo 3284 Cortese Circle San Jose, CA 95127 Tel: (408) 593-1226	
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 30, 2019


Shamika L. Polin